

REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1-26 are currently pending in the application; with claims 1, 6, and 14 being independent. Applicants respectfully request favorable consideration in light of the remarks contained herein, and earnestly seek timely allowance of the pending claims.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4, 5 and 11 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by Steve's DigiCams: "PowerShot S10 User Review", [Online] 1999, Internet address <http://www.steves-digicams.com/pdf/canon_s10.pdf>. Applicants respectfully traverse this rejection in view of the following remarks.

In the Office Action, the Examiner contends that “the claims do not require that **simultaneously displaying all** selectable candidates for a number of image pixels and image compression rates in a two-dimensional arrangement on a setting screen as shown in applicants’ Figures 8-10.” (see page 2 of the Office Action.) Applicants respectfully disagree.

Claim 1 discloses, *inter alia*, “**displaying selectable candidates** for a number of imaging pixels **and** image compression rates **in a two-dimensional arrangement** on a setting screen for setting an image quality; presenting to a user **combinations of selectable number of imaging pixels** and the **image compression rates** and **at the same time** receiving an instruction for moving a cursor on the setting screen, wherein the number of imaging pixels and the image pixels and image compression rates in a two-dimensional arrangement compression rates are **each directly selectable.**”

Applicants respectfully submit that one of ordinary skill in the art would readily recognize that since the selectable candidates for a number of imaging pixels **and** image compression rates are displayed **in a two-dimensional arrangement** on the setting screen, both parameters (selectable candidates for a number of imaging pixels and image compression rates) would inherently be displayed simultaneously. In addition, the claim allows a user to move the cursor on the setting screen **at the same time (simultaneously)** when combinations of selectable number of imaging pixels and the image compression rates are presented to the user on the setting screen. Furthermore, the claim requires that the number of imaging pixels and the image compression rates are **each directly selectable**. Thus, it is respectfully submitted that the number of imaging pixels and the image compression rates **must be displayed simultaneously in order to be directly selectable** upon receiving the instruction for moving the cursor on the setting screen.

As argued previously, Steve's merely discloses a review of the Canon PowerShot S10 digital camera which provides a user menu allowing the user to select a number of parameters to control the operation of the digital camera. The parameter labels are listed in a column of the left hand side of the screen. (see page 11.) When one of the parameter labels is selected, specific values associated with that parameter appeared to the right of the parameter label which may be subsequently set by the user. For example, as shown in the Figure on page 11, the user has selected "resolution" using the camera's 4-way "Omni Selector" (see page 4).

Once "resolution" is selected, choices associated with specific values of the resolution, "L" for 1,600 x 1,200 pixels, "M" for 800 x 600 pixels, or "S" 640 x 480, are shown. Once the specific resolution value is selected, the user may scroll down to the list and select another

parameter label to change. For example, as shown in bottom Figure of page 12, the user has selected the "gain" parameter label, and as a result, the options "0," "+1.0," and "+2.0" are subsequently displayed. Note that for the "resolution" parameter label, only the option previously selected ("L") appears, and the other options are not shown because that parameter was not the one most recently selected.

As shown on page 11, the resolution options are "L", "M" and "S" and are only displayed when the "resolution" parameter label is selected. Below that is the compression parameter label which merely displays "S" for superfine, is displayed. Other options which would appear when the compression parameter is selected is "F" for Fine and "N" for Normal.

Steve's therefore fails to disclose, at least, "displaying selectable candidates for a number of imaging pixels **and** image compression rates **in a two-dimensional arrangement** on a setting screen for setting an image quality," as recited in claim 1 (emphasis added).

Steve's is distinguished by the present invention in that Steve's merely displays the selectable specific value choices **in a linear fashion** after the parameter label has been selected. Steve's **cannot display** the resolution and the compression choices **simultaneously** which is inherently disclosed by the instant claim since the number of imaging pixels and the image compression rates are **each directly selectable**. In Steve's, once one parameter's choice has been selected, and the user moves on to the next parameter to select it, the previous choices are no longer displayed and only the choice that was previously selected remains displayed. Therefore, Steve's disclosure **cannot show displaying selectable candidates for a number of imaging pixels and image compressions in a two-dimensional arrangement**.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 1. Claims 4, 5, and 11 depend from claim 1 and are allowable at least for the reasons provided for allowable claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 2-3 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Steve's in view of U.S. Patent No. 6,407,772 to ("Mizoguchi"). Applicants respectfully traverse the rejection and submit the Examiner fails to establish a *prima facie* case of obviousness.

Claims 2 and 3 depend from claim 1 and include all of the recitations recited therein. As provided above, in the arguments for the rejection of claim 1, Steve's fails to teach or suggest "displaying selectable candidates for a number of imaging pixels and image compression rates in a two-dimensional arrangement ... ," as recited in claim 1. Furthermore, Steve's **cannot display** the resolution and the compression choices **simultaneously** which is inherently disclosed by the instant claims since the number of imaging pixels and the image compression rates are **each directly selectable**.

Mizoguchi fails to cure the deficiencies of Steve's in this respect. Mizoguchi merely teaches an image recording device which records images on a recording medium. The image recording device has a display unit that displays the remaining amount of frames that may be recorded in memory.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of claims 2 and 3.

Claims 6, 9-10, and 14 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,337,928 to "Takahashi et al. ("Takahashi") in view of Steve's. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse this rejection.

As described above in greater detail in the arguments for the allowability of claim 1, Steve's merely teaches a camera which allows the user to select a number of parameters associated with operations of the digital camera. The user initially selects a parameter label and subsequently a number of specific value choices appear to the right of the parameter label allowing the user to set the parameter associated with the parameter label selected. Once the user moves on to a different parameter, the choices for the previous parameter are not displayed but only the choices for the currently selected parameter are displayed (see pages 11 and 12).

Takahashi merely teaches disclosing an image acquisition device which can detect the motion of image data and set a transmission condition of the image data in accordance with the detection of the motion of the image data, and process the image data in accordance with the set transmission condition (see abstract). Based upon the information set by the user of the video camera by operation switch 135, coded data for a transmission and timing are generated by using the digital signal processing circuit, the control circuit, etc, and the image data may be transmitted through the wireless antenna 111 by spread spectrum transmission circuit 110 set transmission data being controlled by the set transmission method and transmission image quality (see col. 6, lines 14-24). Through a user interface as shown in Figure 7, a user may change the modes of the video camera through a variety of selection switches. For example, a

manual/standard selection switch 701, a sports mode selection switch 702, a portrait mode selection switch 703, and a fault mode selection switch 704 are provided. (see col. 6, lines 34-38; Fig. 7). Specifically, parameters which can be set in the manual mode including horizontal image angle size, a vertical image angle size, the number of pixels per frame, a frame rate (the number of frames/second), etc. The respective parameters may be set in various manners by operating slide switches 705-710. (see col. 6, lines 46-53; Fig. 7).

However, Steve's and Takahashi, fail to teach or suggest, at least, "a display control device that **displays selectable candidates in a two-dimensional array for number of imaging pixels and image compression rates on the setting screen of said display device**, wherein the selectable candidates present combinations of directly selectable numbers of pixels and compression rates," as recited in claim 6; and "displaying selectable options for image compression rates and image pixel quantities, wherein the image compression rates and image pixel quantities are each directly selectable using the selectable options, **arranging the options in a two-dimensional format according to predetermined combinations**," as recited in claim 14. Furthermore, neither Steve's nor Takahashi can display the resolution and the compression choices **simultaneously** which is inherently disclosed by the instant claims since the number of imaging pixels and the image compression rates are **each directly selectable and arranged in a two-dimensional array (claim 6) or format (claim 14)**.

In addition, there is no motivation to combine Steve's and Takahashi. It is respectfully submitted that the two cited references taken either alone or in combination do not recognize the problem solved by the Applicants' claimed invention or include all the features of

independent claims as discussed above. More specifically, the Applicants' claimed invention solves the unrecognized problem of displaying selectable options for image compression rates and image pixel quantities, wherein the image compression rates and image pixel quantities are each directly selectable using the selectable options, arranging the options in a two-dimensional format according to predetermined combinations. Moreover, it is respectfully submitted that only a person skilled in the art who had access to the present application would be motivated to combine the teachings of the cited prior art references in order to solve the unrecognized problem disclosed in Applicant's specification. In other words, the only motivation to combine the cited references in the way suggested in the Office Action is gleaned from the hindsight provided by Applicant's specification.

The Applicants respectfully submit that the Office Action is based upon a selective combination of features found in the references, and that such selective combining is impermissible. As stated in *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985), "When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself." It is respectfully submitted that the Office Action cites Takahashi and then utilizes the present application as a road map to selectively replace or add various features of Takahashi with Steve's.

The Office Action admits that Takahashi fails to teach, "... wherein the selectable candidates present combinations of **directly selectable** numbers of pixels and compression rates ...", but alleges that it would be obvious to modify Takahashi with Steve's since the Steve's reference allegedly evidences "that one of ordinary skill in the art at the time to see more

advantages for the digital camera system using instruction key to move a cursor on the setting screen, wherein the selectable candidates present combinations of directly selectable numbers of pixels and compression rates so that the camera setting mode or data can be quickly an[d] easily selected by user.” It is respectfully submitted that the rejection of independent claims 6 and 14 is a blatant string of substitutions gleaned from and motivated by the Applicant's own patent application. The Office Action has not shown that the prior art provides the teaching or suggestion to make the claimed combination and the reasonable expectation of success. The suggestion to make the claimed combination and the reasonable expectation of success cannot be based on Applicants’ disclosure.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 6 and 14. Claims 9 and 10 depend from claim 6 and are allowable at least by virtue their dependency from allowable claim 6.

Claim 7 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi et al. in view of Steve's and Mizoguchi. Applicants submit the Examiner fails to establish a prima facie case of obviousness and traverse this rejection. Claim 7 is depends from claim 6 and includes all of the features recited therein. As provided above, neither Takahashi nor Steve's teach all of the features recited in allowable claim 6. Mizoguchi fails to cure the deficiencies of Takahashi and Steve's. Accordingly, applicants respectfully request the Examiner withdraw the rejection to claim 7.

Claims 8, 22, 23, 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi in view of Steve's, Mizoguchi, and JP 62252583 to ("Akazuka"). Applicants respectfully disagree and submit the Examiner fail to establish a prima facie case of obviousness. Claims 8, 22, and 25 depend from allowable claim 6, and claims 23 and 26 depend from allowable claim 14. As described above, in the arguments of allowability of claims 6, 7 and 14, neither Takahashi nor Steve's nor Mizoguchi teach all of the features recited in independent claims 6 and 14. Akazuka fails to cure the deficiencies of the other references in this respect. Accordingly, applicants respectfully request the Examiner to withdraw the rejections to claims 8, 22, 23, 25, and 26.

Claims 12-13, 18-19, 21, and 24 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Steve's in view of Akazuka. Applicants disagree and respectfully traverse this rejection. Claims 12, 13, 18, 19, 21, and 24 dependent from claim 1 and include all of features recited therein. As provided above, in allowability of claim 1, Steve's fails to teach all of the features recited in allowable claim 1. Akazuka fails to cure the deficiencies of Steve's in this respect. Accordingly, applicants respectfully request the Examiner to withdraw the rejection of claims 12-13, 18-19, 21, and 24.

Claims 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Steve's and Akazuka. Applicants disagree and respectfully traverse this rejection. Claims 15-17 depend from claim 14 and include all of the features recited therein. As provide above, Steve's fails to teach all of the features recited in claim 14. Akazuka fails to cure

the deficiencies of Steve's in this respect. Accordingly, applicants respectfully request the Examiner to withdraw the rejection of claims 15-17.

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Steve's in view of Akazuka and Mizoguchi. Applicants disagree and respectfully traverse this rejection. Claim 20 depends from claim 1 and includes all of the features recited therein. As provided above, Steve's and Mizoguchi fail to recite all the features in allowable claim 1. Akazuka fails to cure the deficiencies of these references in this respect. Accordingly, applicants respectfully request the Examiner to withdraw the rejection of claim 20.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam, Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/867,607
Amendment dated November 2, 2006
After Final Office Action of August 9, 2006

Docket No.: 0879-0315P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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